

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

ANA R. OLIVELLA RIVERA

Plaintiff

v.

POPULAR LEASING AND RENTAL, INC.,  
ET AL.

Defendants

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\* CIVIL NO.: 98-2267 (JAG)

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JURY TRIAL DEMANDED

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MOTION REINSTATING MOTION IN LIMINE

TO THE HONORABLE COURT:

COME NOW defendants PREFERRED RISK INSURANCE COMPANY (erroneously denominated Puerto Rican American Insurance Company) and BANCO POPULAR DE PUERTO RICO, represented by the undersigned attorneys, and before the Honorable Court respectfully tenders this proposed pre-trial order:

1. The appearing party filed a Motion In Limine (docket number 202) in which it is requested the elimination of several documents announced by plaintiffs in their pre-trial report for the first time. Our objection is that those documents were belatedly announced and on the fact that plaintiff has not produced those documents.

2. In response to our motion in limine, plaintiff filed a Motion in Reply to Motion In Limine (docket number 205) and a Motion Submitting Evidence Mentioned in Motion in Reply to Motion In Limine (docket number 206). With docket number 206 plaintiff

filed copy of several documents. However, those documents filed with docket number 206 are not all the documents that were announced by plaintiffs in their amended pre-trial conference order (docket number 172) and to which the appearing party have raised an objection.

3. The documents which plaintiff filed with docket number 206 are included as an exhibit of this motion and they consist of the following:

- a. Copy of five (5) receipts of payment dated August 1, September 1, October 1, November 1 and December 1 of 1995 pertaining to account number 02500076860008337.
- b. Letter dated July 17, 1998 from Sprint to Ana Olivella.
- c. Fax confirmation number 787-296-0758 dated September 26, 2005.
- d. Letter dated November 7, 1997 to Ana Olivella from Sylvia Carmona.
- e. Copy of four (4) checks made to the order of Popular Leasing by Ana Olivella dated August 25, September 18, and two for December 11, 1995.
- f. Handwritten letter dated May 15, 1996 to Tomás Aponte from Ana Olivella.
- g. Letter dated August 10, 1998 to Ana Olivella from Citibank.
- h. Letter dated August 18, 1998 to Ana Olivella from General

Motors.

- i. Credit report regarding Ana Olivella dated June 18, 2004 prepared by Trans Union. (This credit report consists of six (6) pages.)
- j. Statement of credit denial directed to Ana Olivella from RG Premier Bank.
- k. Credit report dated November 21, 2003 prepared by Trans Union regarding Ana Olivella which consists of six (6) pages.
- l. A request for investigation requested by Ana Olivella from Trans Union dated July 20, 2004. (This document consists of two (2) pages.)
- m. Letter dated July 20, 2004 from Ana Olivella to Trans Union.

4. The documents that the appearing party objects to and which were announced by plaintiff for the first time on the amended pre-trial conference order (docket number 172) and that have not been produced to the present date are the following:

- a. Credit Bureau reports dated 1999, 2000, 2001 and 2002.
- b. Credit denial reports dated January 2004, April 2004 and March 2002. The credit denial reports that were submitted are dated July 17, 1998, August 10, 1998, August 18, 1998 and May 9, 2002.

- c. Letter to Evelyn Santana from Ana Olivella requesting correction of credit report by Trans Union. The only letters to Evelyn Santana from Ana Olivella that have been produced are one handwritten letter by Ana Olivella in which copy of the complaint regarding the car accident in which plaintiff was involved in Aguadilla is faxed to Mrs. Santana and another letter dated April 23, 1997 to Evelyn Santana from Ana Olivella in which copy of check number 31-000854217 for the amount of \$4,000.00 is forwarded to Mrs. Santana. In none of those letters a request is made for correction of a credit report by Trans Union.
- d. Letter to Trans Union of Puerto Rico dated December, 1997 requesting correction of her credit report.

5. To this date, the documents enumerated in caption 4 have never been produced to the defendants. As stated in our previously filed motion in limine, at the pre-trial conference held on December 5, 2006 before this Honorable Court plaintiff was granted twenty (20) days to provide the above stated documents. To this date, plaintiff has not produced those documents. The only documents that have been produced are the ones that were included as exhibits to docket number 206 and which are numerated in the

above caption 3.

6. Plaintiff has been granted ample opportunity to produce the documents. However, discovery must end at some point in order for the parties to know all the evidence that exists pertaining to the claims and that will be used at trial. It is respectfully requested that this Honorable Court issues an order not allowing plaintiffs to announce or use any additional documents than those that have already been produced to this date. If the documents are not readily available for plaintiff it must be that they do not exist. A continuation of the pre-trial is scheduled for March 26, 2007 and trial for May 21, 2007. The appearing party therefore has a limited time to conduct further discovery regarding the newly announced evidence. Plaintiffs opportunity to produce new evidence should not be extended eternally without limits.

WHEREFORE, it is respectfully requested that this Honorable Court enters an order prohibiting plaintiff from producing and using any further new evidence in the case and limiting the evidence that plaintiff may use at trial to the documents that have already been produced to the present date.

I HEREBY CERTIFY that on this date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Rafael A. Oliveras López, Esq.; David López Pumarejo, Esq.**

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico this 8<sup>th</sup> day, of March, 2007.

s/ Ana María Otero  
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